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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/350,315	07/09/1999	MARTIN ZILLIACUS	11784.101US0	7885

7590

11/18/2003

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EXAMINER

HOTALING, JOHN M

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 11/18/2003

259

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/350,315

Applicant(s)

ZILLIACUS ET AL.

Examiner

John M Hotaling II

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 47-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 47-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 47-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaDue US Patent 5,999,808 in view of Wireless industry nibbles at Bluetooth article 12/12/98 by Jennifer O'Brian. LaDue discloses the use of mobile phone technology to play games. LaDue discloses in columns 1 and 2 a wireless gaming method that seamlessly transmits application specific messages over cellular radio control channels and switches for use in wireless gaming and wagering. The disclosed application for LaDue's communications platform is wireless gaming **over cellular, paging and signaling networks (all three)** and discloses that a combination of communications platforms may be used. **Column 3 discloses that the services can be adapted and fully integrated with all mobile switching center switching and processing schemes manufactured and operating in the world today. This wireless gaming system operates in normal cellular, paging, and signaling networks.** Column 4 discloses the control and access to the network, that the present invention provides for full duplex communications by fully integrating cellular transceivers and paging receivers that communicate together within specially designed and programmed end user CCAD communications terminals. Column 5 discloses a combination of cellular

and paging networks. Column 10 discloses that the game caddy can operate in a duel mode cellular transceiver with both digital and analog platforms and another configuration is to establish an in building personal communication network that is compatible but yet distinct from the cellular and paging networks heretofore mentioned and that there are many ways to configure the unique gaming system. Column 20 discloses that the system can communicate with the World Wide Web via the Internet and can access e-mail, WWW file transfer point databases and other network entities and can send and receive e-mail in real time. With respect to claim 15 Figure 9B shows a mobile phone for use with the gaming system. It is an obvious matter of choice well within the capabilities of one skilled in phones art to pause a game, terminate a game or give the option to do either upon receipt of a phone call. Ladue lacks in disclosing the use of specific networks including Bluetooth and the specific use of a mobile phone in combination with a game. Instead LaDue discloses that the communications platform is wireless gaming **over cellular, paging and signaling networks (all three)** and discloses that a combination of communications platforms may be used. In an analogous reference by Jennifer O'Brian, herein after called Blue, discloses the first time the mobile computing and wireless telephony worlds have attempted to converge. Blue also discloses that the technology could be point to point and point to multipoint. Allow the user to access the internet via a completely wireless connection routed either through a mobile phone, or a wired connection such as PSTN, ISDN, or LAN. Essentially the Bluetooth technology will allow users to connect their mobile computers, digital cellular phones, handheld devices, network access points and other mobile

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devices via wireless short range radio links unimpeded by line of sight restrictions.

Using the above teachings it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the reference to provide a multi player game scenario on a plurality of different wireless and/or cell phone gaming network using the motivation contained in LaDue that a communications platform supports wireless gaming over cellular, paging *and* signaling networks (all three) and discloses that a combination of communications platforms may be used including Bluetooth.

Remarks

2. Upon further consideration and search the examiner has determined that subject matter as claimed could be rejected by the above references. Since the examiner did say that such amendments would result in allowability the examiner has made this rejection non-final. The applicants representative is invited to contact the examiner to discuss the above rejection.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Hotaling II whose telephone number is 703 305 0780. The examiner can normally be reached on Mon-Thurs 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703) 308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703 746 3236.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-7777.

JOHN M. HOTALING, II
PRIMARY EXAMINER

November 17, 2003

A handwritten signature in black ink, appearing to be 'J. Hotaling', written over the date.